



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 5, 2005

Date of Meeting: November 1, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:35 p.m. on Tuesday, November 1, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein
Michael Rankin
Kathleen S. Detrick
Mike Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Samuel Cohon, Temple Emanu-El, after which the pledge of allegiance was led by the Boy Scout Troop 332.

Mayor Walkup announced Susie Rogers would be assisting the Mayor and Council with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 579, dated November 1, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced artwork featuring Shaba the Elephant from Reid Park Zoo would be displayed at the Ward 2 Council office on November 4, 2005. Council Member West also expressed appreciation to Mike Hein, Fred Gray, Ernie Duarte, Scott Douthitt, Chief Randy Ogden and Eliseo Garza, who served lunch to the one-hundred and fifty women at the Positive Aging Conference held October 28, 2005.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 580, dated November 1, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. Karen Masbruch began her position as Assistant City Manager and he welcomed her to the City Manager's Office.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 583, dated November 1, 2005, would be received into and made a part of the record. He asked the Deputy City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Wilmot Shell, Ward 5
7710 S. Wilmot Road
Applicant: Michael George Wystrach
Series 10, City 84-05
Action must be taken by: November 7, 2005
Staff has indicated the applicant is in compliance with city requirements.
2. Vero Amore, Ward 2
3305 N. Swan Road, St. B-105
Applicant: Aric Kaiser Mussman
Series 12, City 86-05
Action must be taken by: November 6, 2005
Staff has indicated the applicant is in compliance with city requirements.
3. S & S Spirits, Ward 1
210 W. 5th Street
Applicant: Jeffrey Brian Sorrentino
Series 04, City 89-05
Action must be taken by: November 13, 2005
Staff has indicated the applicant is in compliance with city requirements.
4. Arizona Pizza Company, Ward 6
5855 E. Broadway Blvd. #114
Applicant: Kenneth David Rubinstein
Series 12, City 90-05
Action must be taken by: November 14, 2005
Staff has indicated the applicant is in compliance with city requirements.

Person/Person Transfer

5. Maverick King of Clubs, Ward 2
6622 E. Tanque Verde Road
Applicant: Karen Sue Markovich
Series 06, City 81-05
Action must be taken by: November 4, 2005
Staff has indicated the applicant is in compliance with city requirements.
6. Why Can't We Be Friends, Ward 6
187 N. Park Avenue
Applicant: Brandon Michael McDowell
Series 07, City 85-05
Action must be taken by: November 5, 2005
Staff has indicated the applicant is in compliance with city requirements.

7. Famous Sams #4, Ward 3
3620 N. 1st Avenue
Applicant: Connie Lou Gardner
Series 06, City 91-05
Action must be taken by: November 14, 2005
Staff has indicated the applicant is in compliance with city requirements.

Location Transfer

8. Pizza Hut Wingstreet #25, Ward 2
8906 E. Tanque Verde
Applicant: Walter Brent Kyte
Series 07, City 87-05
Action must be taken by: October 31, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. AZ Historical Society Docent Council, Ward 6
949 E. 2nd Street
Applicant: Armand Martin Ronstadt
City T92-05
Date of Event: November 15, 2005
Fundraiser for AZ Historical Society Docent Council
Staff has indicated the applicant is in compliance with city requirements.
2. Fox Tucson Theatre Foundation, Ward 6
151 S. Granada Avenue
Applicant: Herb R. Stratford
City T95-05
Date of Event: November 5, 2005
Film Festival
Staff has indicated the applicant is in compliance with city requirements.
3. Kokopelli Winery, Ward 6
536 N. 4th Avenue
Applicant: Dennis Michael Minchella
City T96-05
Date of Event: December 9 - December 11, 2005
Fourth Avenue Street Fair
Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Celtic Festival Association, Ward 3
4502 N. First Avenue
Applicant: Sharon Ann Caldwell
City T97-05
Date of Event: November 4 - November 5, 2005
A Cultural Fiesta
Staff has indicated the applicant is in compliance with city requirements.
5. The Glassman Foundation, Ward 2
6503 E. Tanque Verde Road
Applicant: Don W. Haskell
City T98-05
Date of Event: November 6, 2005
Fundraiser for Local Children's Charities
Staff has indicated the applicant is in compliance with city requirements.
6. The Tucson Rodeo Committee Inc., Ward 5
4801 S. 6th Avenue
Applicant: Gary Gene Williams
City T99-05
Date of Event: February 18 - February 26, 2006
To Stage the Annual Tucson Rodeo - La Fiesta De Los Vaqueros
Staff has indicated the applicant is in compliance with city requirements.
7. It's Happening Downtown Inc., Ward 1
Calle Carlos Arruza
Applicant: Barbara A. Zelano
City T103-05
Date of Event: November 19, 2005
Community Cultural Event
Staff has indicated the applicant is in compliance with city requirements.
8. Caridad - de Porres Inc., Ward 1
845 N. Main
Applicant: Joseph Michael Baker
City T104-05
Date of Event: November 5 - November 6, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
9. SAAF Southern Arizona Aids Foundation, Ward 6
1303 E. University Blvd.
Applicant: Michele Bart
City T105-05
Date of Event: November 19, 2005
17th Annual Jerome Beillard Festival for Life Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

10. Southern Arizona Assoc. for the Visually Impaired, Ward 5
2805 E. Ajo Way
Applicant: David Boyer
City: T107-05
Date of Event: November 4, 2005
Fundraising
Staff has indicated the applicant is in compliance with city requirements.
11. Congress Street Historic Theatres Foundation, Ward 6
318 E. Congress Street
Applicant: Douglas William Biggers
City: T108-05
Date of Event: November 6, 2005
Live Music Event Celebrating The Day of The Dead Parade
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b8 and 5c1 through 5c11 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH G

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR MIDTOWN NEIGHBORHOOD ASSOCIATION

1. Report from City Manager NOV1-05-584 WARD 3
2. Resolution No. 20211 relating to Finance; approving and authorizing the transfer of one hundred sixty dollars and fifty cents (\$160.50) from the Community Support Fund to Organization 001-183-1898-268, to reimburse the Midtown Neighborhood Association for Tucson Lego Club's "Team 2" registration for the FIRST LEGO League Tournament; and declaring an emergency.

This is a request by Vice Mayor Dunbar. Allocation of funds is as follows:
Vice Mayor Dunbar - \$160.50

B. ANNEXATION: CONTRACTOR'S WAY ANNEXATION DISTRICT, ORDINANCE ADOPTION

1. Report from City Manager NOV1-05-577 WARD 5

2. Ordinance No. 10212 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Section 34, T.14S., R.14.E., G.&S.R.M., Pima County, Arizona, more particularly described in the body of this ordinance; and declaring an emergency.
- C. ANNEXATION: MISSION PLACE NO. 1 ANNEXATION DISTRICT, ORDINANCE ADOPTION
1. Report from City Manager NOV1-05-585 WARD 1
 2. Ordinance No. 10213 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Section 34, T.14S., R.13.E., G.&S.R.M., Pima County, Arizona, more particularly described in the body of this ordinance; and declaring an emergency.
- D. PUBLIC IMPROVEMENT: REAPPORTIONMENT OF ASSESSMENT NUMBER 162 SERIES 800 CIVANO PHASE 1 NEIGHBORHOOD 1 DISTRICT IMPROVEMENT
1. Report from City Manager NOV1-05-587 WARD 4
 2. Resolution No. 20210 relating to the Civano Phase 1 Neighborhood 1 Improvement District; authorizing and approving the reapportionment of Assessment Number 162 of the Civano Phase 1 Neighborhood 1 Improvement District; and declaring an emergency.
- E. AGREEMENT: WITH THE SONORAN INSTITUTE FOR THE BUILDING FROM THE BEST OF TUCSON PROGRAM (CONTINUED FROM THE MEETING OF SEPTEMBER 20, 2005)
1. Report from City Manager NOV1-05-588 CITY-WIDE
 2. Resolution No. 20212 relating to planning; approving and authorizing a joint agreement between the City of Tucson and the Sonoran Institute for the Building from the Best of Tucson (BBoT) Program; and declaring an emergency.
- F. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY LOCATED ON EAST BROADWAY BOULEVARD FOR RIGHT-OF-WAY PURPOSES
1. Report from City Manager NOV1-05-590 WARD 6

2. Resolution No. 20213 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 1601 East Broadway Boulevard for the future widening of East Broadway Boulevard for future right-of-way purposes; and declaring an emergency.

G. APPROVAL OF MINUTES

1. Report from City Manager NOV1-05-589 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on September 27 and October 4, 2005.

It was moved by Vice Mayor Dunbar, duly seconded, that Consent Agenda Items A through G, be passed and adopted and the proper action taken.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through G, were declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Theresa Jones spoke in support of passing an ordinance allowing breastfeeding in public places.
- b. Michael Toney expressed his concerns about Mr. Letcher's memo regarding Multi-Purpose Districts and University of Arizona violations in planning the Science Center without an Intergovernmental Agreement.
- c. Karlen Ross felt the City of Tucson public transportation system should run buses more often on evenings and weekends and should put more effort into advertising to the public the new Pennington parking garage downtown.

- d. Dana DuClo spoke in support of passing an ordinance allowing breastfeeding in public places.
- e. Cynthia Curtis spoke in support of passing an ordinance allowing breastfeeding in public places.
- f. Kathleen Wood spoke in support of passing an ordinance allowing breastfeeding in public places.
- g. Katie Hughes spoke in support of passing an ordinance allowing breastfeeding in public places.
- h. Nina Isaac spoke in support of passing an ordinance allowing breastfeeding in public places.
- i. Rachel Davis spoke in support of passing an ordinance allowing breastfeeding in public places.
- j. Briana Huerill spoke in support of passing an ordinance allowing breastfeeding in public places.
- k. Bishop Chicago expressed his concern on the treatment of the poor and homeless.
- l. Dick Bayse was concerned on the buy back of the YMCA recreation center and if the purchasers acted appropriately.

8. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENTS – AJO WAY, R-1/R-2/I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF OCTOBER 4, 2005)

Mayor Walkup announced City Manager's communication number 586, dated November 1, 2005, would be received into and made a part of the record.

Kathleen S. Detrick, City Clerk, announced at the request of the applicant, staff was recommending this item be continued to the meeting of December 13, 2005.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0 to continue this item to December 13, 2005, as requested by the applicant.

9. PUBLIC HEARING: ZONING (C9-00-03) NEW WORLD HOMES – 22ND STREET, SR AND RX-1 TO C-1, REQUEST FOR TIME EXTENSION

Mayor Walkup announced City Manager's communication number 591, dated November 1, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a five-year time extension of the completion of the rezoning conditions. The public

hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations. He called on the first speaker.

Michael Toney spoke on the "*Safe by Design*" pamphlet and did not agree on the natural landscaping portion of the pamphlet. He was concerned about the restoration of the desert in an area where development would begin.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

It was moved by Council Member West, duly seconded, to approve the request as presented.

Mayor Walkup asked if there were any discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

The motion to approve the request for a time extension was declared passed by a roll call vote of 7 to 0.

10. PUBLIC HEARING: GOLF LINKS ROAD, PANTANO PARKWAY TO BONANZA AVENUE DISTRICT PAVING AND LIGHTING IMPROVEMENT

Mayor Walkup announced City Manager's communication number 578, dated November 1, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for the final hearing for this improvement project. Interested parties may present objections to the legality of the assessment or any of the previous proceedings, or present evidence that the construction was not performed according to the contract. The public hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations.

Mayor Walkup asked if anyone wished to address the Council on this item. There was no one.

Mike Rankin, City Attorney, said there may be a desire to add some time to the action on this item in order to have staff respond to concerns that were raised by the public in the boundaries of the district. Because the creation and formation of these districts were so rigorously set forth in the Arizona Revised Statutes, his recommendation would be to proceed with the public hearing, followed by the adjournment of the hearing. The appropriate motion would be to move to adjourn the public hearing, but continue the action on the resolution for a future council date.

Council Member Scott wanted to clarify why this action was taken. She said her office received many phone calls from concerned property owners in this general improvement district boundary. She asked if it was unusual or normal to have special improvement assessment assigned to each and every property owner along the arterial streets such as Broadway, Speedway, and Twenty-Second Street.

Scott Douthitt, Finance Director, Department of Finance, replied that it was a common practice to have improvement districts as part of improvement districts renovations.

Council Member Scott said the project was completed in August 2002, and now three years and two months later, the appraisals were just being assessed to the property owners. The property owners were concerned why it took so long to be notified and made aware of the assessments.

Mr. Douthitt said this began with a year 2000 very complicated software project for improvement districts. Part of the reason improvement districts moved from the Transportation Department to the Finance Department was to clean up the problem with the software. The reason this assessment was just now coming forward was because the project has now been completed. He added this was one of several districts in the same situation.

Council Member Scott asked if the assessments would have taken less time if things had been in order, the software had worked, and there was not a shift in departments.

Mr. Douthitt answered the time frame in that circumstance would have taken less than one year.

Council Member Scott said the property owners were hit with high numbers with regard to the amount they were assessed to pay for this project. Under normal circumstances, the property owners would have been allowed to progress in a good sequence and would have collected this amount in a timely manner.

It was moved by Council Member Scott, duly seconded, to adjourn the public hearing portion of this item and continue action to a later date, until they had an opportunity educate and inform the current property owners.

Mr. Rankin said that in order to preserve the public hearing notice he would suggest that they pick a specific date and time.

Council Member Scott stated since there was a holiday in this month, she would suggest early December. She said that if it came back at that time and it still was not enough time, they could then ask for another continuance. She wanted to make sure all of the property owners had an understanding. She asked if that was a good timeframe.

Mr. Rankin said that staff could be prepared to respond to questions and concerns at the November 15 meeting.

Council Member Scott stated that November 15 would be fine. She was only concerned that the people involved had enough time to understand and react.

Mayor Walkup asked if there were any discussions. Upon hearing none, he asked for a roll call vote.

Kathleen S. Detrick, City Clerk, clarified that the motion was to adjourn the public hearing portion of the item and to continue Resolution 20198 until the November 15, 2005 Mayor and Council meeting to be held at City Hall, 255 West Alameda in the Council Chambers at 5:30 p.m.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

The motion was declared passed by a roll call vote of 7 to 0.

11. REAL PROPERTY: PROPOSAL TO EXCHANGE PROPERTY AT THE SITE OF HISTORIC FORT LOWELL FOR PROPERTY ON EAST SPEEDWAY BOULEVARD

Mayor Walkup announced City Manager's communication number 582, dated November 1, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20214 by number and title only.

Resolution No. 20214 relating to real estate; authorizing and approving the Exchange of Certain Real Property at the Site of Historic Fort Lowell for Certain Real Property of Substantially Equal Value on East Speedway Boulevard; and declaring an emergency.

Council Member West stated it gave her great pleasure to ask the Mayor and Council to approve this offer. She emphasized the values of the Fort Lowell and the East Speedway parcels were substantially equal. She also recognized the developer of the project, Jim Campbell of Oasis Tucson and Dennis Olson, President of the Old Fort Lowell Neighborhood Association, who wrote a letter signifying the unanimous approval of the neighborhood board.

Council Member West stated Mr. Campbell had assured several items on this subject that she wanted to read into the record. Mr. Campbell had agreed the "erosion hazard setback for the Tanque Verde Wash covers all the floodplain plus more. The City required that Mr. Campbell set aside fifty feet along the wash for trails and the agreement

with Pima County Parks was to give them one hundred feet,” so he had more than met that requirement. In addition, “Oasis Tucson would be required to dedicate the boundaries of the regulatory flood plain and necessary maintenance access to the City of Tucson upon submission of a development plat. They would also be required to dedicate five acres at minimum to the City, in fee simple, upon the submission of the plat. The strip would be between one hundred and twenty feet and two hundred and twenty feet wide along the northern boundary of the property, regulatory flood plain, plus an assumed twenty feet for access.” Finally, she said Oasis Tucson would be “required to dedicate drainage easements over other parts of the property along the Estee Wash.” She concluded this was a winning situation for everyone and the neighborhood was pleased. She wanted to recognize Mr. David Faust from the Old Fort Lowell Historical Museum who was in attendance and she thought he was also very pleased with the agreement.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20214.

Mayor Walkup asked if there were any discussions. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup.

Nay: None

Ordinance 20214 was declared passed and adopted by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager’s communication number 581, dated November 1, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Steven T. Russell and the reappointment of Nancy Robinette and Brenda Kazen to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues; and E. Wendell Hague and Elmer Oliver to the Veterans Affairs Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Scott said she understood that one of the appointments to the Rio Nuevo Citizen’s Advisory Committee may have stepped down and she had not received a resignation letter. Because she was made aware this had occurred by Chris Sheafe, Chairperson of Rio Nuevo Citizen’s Advisory Committee, she appointed Bill Hughey to the Rio Nuevo Citizen’s Advisory Committee.

11. ADJOURNMENT: 6:30 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, November 15, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 1st day of November 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:ccs/ao